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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,846	07/16/2003	Gregory J. Zicbold	SUN-P030066	1785
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OSHA LIANG L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/621,846

Applicant(s)

ZIEBOLD ET AL.

Examiner

Tauqir Hussain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/04/2007, 07/22/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to amendment /reconsideration filed on 07/16/2007, the amendment/reconsideration has been considered. Claims 1, 8 and 15 are amended. Claims 1-20 are pending for examination, the rejection cited as stated below.
2. The text of those sections of Title 35 U.S.C 102 and 103(a) not included in this action can be found in a prior Office Action.
3. Fishman and Corneil have been cited as prior arts in the last office action. The teachings that applicable are respectfully maintained and incorporated by reference as set forth in the last office action.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim limitations must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As argued by applicant to consider Fig.3 and specification on pages 13-16 for supporting evidence for term Computer readable medium. Examiner however, concludes, Fig.3 refers to a graphical user interface of claim invention. Applicant also cited the incorporated application No. 10/622,158, which

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also fails to disclose the definition of computer readable medium. In the light of Microsoft computer dictionary Examiner extracts the computer readable medium also points to transmission medium, which could be light waves, carrier waves or signal. Carrier waves or signal does not fall into one of the four categories of invention and therefore, claims 15-20 are not statutory. Signal is not a series of steps or acts and thus is not a process. Signal is not a physical article or object and such is not a machine or manufacture. Signal is not a combination of substances and therefore, not a composition of matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim recites "computer readable medium containing executable instructions which, when executed in a system comprising a portal server coupled to a client device, causes the system to perform the steps of providing a client aware desktop display to said client device". It makes the claim indefinite because, if the instructions do not get executed than claim limitations lacks the utility and will fall apart as no tangible results will be produced. Therefore, applicant is advised to eliminate the indefinite terms from the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman in view of Hartman et al. (Patent No.: US 6,615,226 B1), hereinafter "Hartman".
8. As to claims 1 and 15 (e.g. method and CRM), Fishman discloses, a method for providing a client aware desktop display to a client device (Fishman, Fig.2, Element-250), comprising:
  - receiving a request for a resource from said client device (Fishman, [0035, lines 9-10]);
  - obtaining a client value for said request (Fishman, [0035], where identifying means obtaining client value);
  - said client value, which identifies a graphics subsystem of said client device (Fishman, [0035], where identifying the client with associated data means there is a correspondence between device and content or vice versa) wherein the graphics subsystem includes configuration information specific to said client device (Fishman, [0036], where transforms are subsystem and contains device configuration) and

wherein said configuration information specific to the client device (Fishman, [0036], where obviously transforms represents specific configuration to the client device);

selecting a container comprising content selection and formatting specific to said graphics subsystem (Fishman, [0035], where transform 254 is a container containing graphic subsystem for device 274);

dispatching said request to said container (Fishman, [0035]); and

communicating the contents of said container to said client device (Fishman, [0042]). Fishman however, is silent on disclosing explicitly, mapping client value to a unique identifier. Hartman however discloses, mapping client value to a unique identifier (Hartman, Fig.2, Col.5, lines 21-28).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fishman with the teachings of Hartman in order to provide a tracking system of repeated customers with their corresponding devices configurations for fast online purchase/ordering process.

9. As to claim 8, Fishman discloses, a system for providing a client aware desk-top display to a client device, comprising a portal server (Fishman, Fig.2), wherein said portal server further comprises:

a mobile access component for providing a communications session with said client device (Fishman, Fig.3, Elements-364-368, [0042], where wireless communication protocol means obviously there is a mobile access point e.g. base station can be a mobile access point);

an identity server component for identifying said client and determining a client value (Fishman, [0035], where mobile gateway incorporates an identifying component), wherein said client value identifies a display type of said client device (Fishman, Fig.2, [0035], where transform A, B and C identifies a display specific to the device), wherein said client value is a unique identifier that identifies configuration information specific to the client device (Fishman, Fig.5A, Elements-524 and 528, [0035], where correspondence between transforms and devices obviously has unique addressing to correct display respective to device); and

a desktop component (Fishman, Fig.4, Element-410) for selecting an aggregation container comprising content configured in accordance with said display type (Fishman, Fig.4, Element-430 and 432, [0047], where data objects are client device specific data), wherein the portal server stores said configuration information specific to said client device (Fishman, Fig.4, Element-430, 432 and 452, [0047], where 452 contains client specific data). Fishman however is silent on disclosing explicitly, mapping client value to a unique identifier. Hartman however discloses, mapping client value to a unique identifier (Hartman, Fig.2, Col.5, lines 21-28).

10. As to claim 2, Fishman and Hartman disclose the invention substantially as in parent claim 1, including, wherein said client value implicitly determines said graphics subsystem (Fishman, [0035, lines 9-12], where identifying means obtaining client value, which explicitly determines the graphic subsystem).



11. As to claim 3, Fishman and Hartman disclose the invention substantially as in parent claim 1, including, wherein said client value explicitly determines said graphics subsystem ([0035, lines 9-12], where identifying means obtaining client value, which explicitly determines the graphic subsystem)..

12. As to claims 4, 16 and 17, Fishman and Hartman disclose the invention substantially as in parent claims 1 and 15, including, wherein said client value is obtained from an HTTP user agent header (Fishman, [0035], where client specific information is embedded in HTTP request).

1. As to claims 5 and 18, Fishman and Hartman disclose the invention substantially as in parent claims 1 and 15, including, wherein said desk-top display comprises a plurality of displayed channels (Fishman, [0033, lines 6-15], where each content represent a channel).

13. As to claims 6 and 19, Fishman and Hartman disclose the invention substantially as in parent claims 1 and 15, including, wherein said desk-top display comprises hypertext links (Fishman, [0033, lines 6-15], where each content can represent a channel and [0036, lines 5-11], where browser means there has to be a hypertext link).

14. As to claims 7 and 20, Fishman and Hartman disclose the invention substantially as in parent claims 1 and 15, including, wherein said container comprises content that is hierarchically organized in accordance with said graphics subsystem (Fishman, [0036,

lines 18-23], where content server has stored data sequentially/hierarchically for each individual device type).

15. As to claim 9, Fishman and Hartman disclose the invention substantially as in parent claim 8, including, further comprising an authentication server coupled to said portal server (Fishman, Fig.1, Element-35, [0030, lines 3-4], where portal server will have an operating system which authorizes the users to connect to the server)..

16. As to claim 10, Fishman and Hartman disclose the invention substantially as in parent claim 8, including, further comprising a resource server coupled to said portal server (Fishman, Fig.3, Element-310, [0045, lines 5-7], where content server is a resource server and is coupled to a gateway which is a portal server).

17. As to claim 11, Fishman and Hartman disclose the invention substantially as in parent claim 8, including, further comprising a mail server coupled to said portal server (Fishman, Fig.4, Element-410, [0048, lines 1-3], where web server is email server and coupled to a gateway which is a portal server).

2. Claims 12-14, is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman and Hartman as applied to claim 1-11 and 15-20 above in view of Corneil et al. (Pub. No.: US 2003/0065623 A1), hereinafter "Corneil".

3. As to claims 12, 13 and 14, Fishman and Hartman discloses the invention substantially as in parent claim 8. However, Fishman and Hartman are silent on describing, a firewall coupled to said portal server. Corneil however discloses, a firewall

coupled to said portal server (Corneil, Fig.1, Element-103, [0041, lines 14-15], where firewall is implemented to a portal server and further it will be obvious variation to couple various other network devices in various sequences to a firewall which is also well known in the art).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fishman with the teachings of Corneil in order to transmit the web content or mobile contents more securely and further eliminating the unwanted or restricting the bogus traffic off the wireless network to save the bandwidth.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

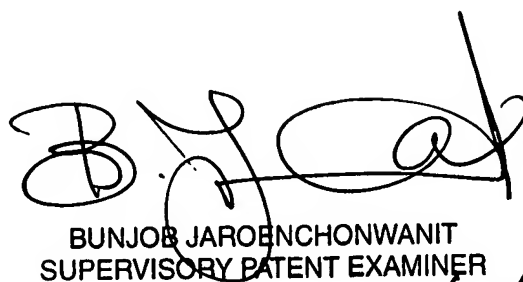
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH



BUNJOB JAROBCHONWANIT  
SUPERVISORY PATENT EXAMINER

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